



The Comptroller General  
of the United States

Washington, D.C. 20548

Gilhooly

## Decision

Matter of: Ala-Temp Corporation--Reconsideration

File: B-234269.2

Date: April 6, 1989

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### DIGEST

Prior dismissal of protest because protester failed to timely respond to the agency's report is affirmed. Although the protester contends it was not clear to which agency's report it was required to respond, the standard notice acknowledging its protest reasonably indicated that the report referred to was that of the contracting agency.

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### DECISION

Ala-Temp Corporation requests that we reconsider our dismissal of its protest under invitation for bids (IFB) No. GS-04P-89-EX-C0007, issued by the General Services Administration. We dismissed the protest because Ala-Temp failed to respond to the contracting agency's report within the time required under our Bid Protest Regulations, 4 C.F.R. § 21.3(k) (1988). We affirm our dismissal.

In its request for reconsideration, Ala-Temp concedes that our written notice acknowledging its protest indicated that written comments were required within 10 working days of receipt of the agency's report. Ala-Temp argues, however, that it interpreted the "agency" to be our Office Procurement Law Control Group and not the General Services Administration. Ala-Temp contends its protest should be reinstated due to what it feels is a lack of clarity in our written notice regarding the definition of agency.

We see no basis to reopen the file. The filing deadlines in our Regulations are prescribed under the authority of the Competition in Contracting Act of 1984 (CICA). Their purpose is to enable us to comply with the statute's mandate that we resolve bid protests expeditiously. 31 U.S.C. § 3554 (Supp. IV 1986); CooperVision, Inc.,--Reconsideration, B-231698.2, Aug. 26, 1988, 88-2 CPD ¶ 186. Our standard notice acknowledging Ala-Temp's protest specifically advised the following:

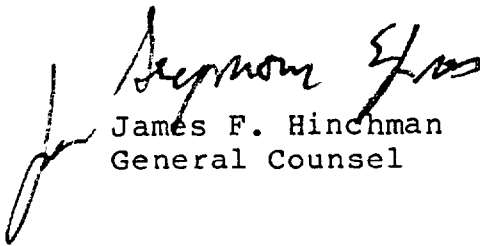
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"The contracting agency (emphasis added.) is required to file a report in response to the protest, and under 4 CFR 21.3(k), the protesting party is required to submit written comments or to advise our Office that it desires to have the protest decided on the existing record within 10 working days of receipt of the report. For convenience, we have indicated the date the agency's report is due." (Emphasis supplied.)

The heading of our notice indicated that the agency was the General Services Administration, and that the report due date was March 3, 1989. We fail to see how Ala-Temp could interpret "agency" to be the Procurement Law Control Group, since that name is mentioned nowhere in the acknowledgment notice.

Furthermore, our acknowledgment notice advised the protester to notify us if the report was not received on time and warned that unless we heard from the protester by the 10th working day after the report was due, we would close our file without action. Had Ala-Temp believed a report was due from the Procurement Law Control Group, it should have notified our Office of its failure to receive a report from that group by March 17, the 10th working day after the report was due. Ala-Temp, however, failed to inform our Office within the required time period of its continued interest in the protest or of its failure to receive what it perceived to be the agency report.

The dismissal is affirmed.

  
James F. Hinchman  
General Counsel